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10/810,929	03/26/2004	Edmund Messina	PEX-100-B	3067
7590		12/13/2007		
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			EXAMINER	
			BHARADWAJ, KALPANA	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/810,929

Applicant(s)

MESSINA, EDMUND

Examiner

Bharadwaj Kalpana

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/10/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. Claims 1-19 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 8-11, 13-14 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski (USPN 2003/0198934, referred to as **Sendowski**).

### **Claim 1, 10, 19:**

Sendowski teaches a computer program for interrogating a user and generating a result, for example a report, custom video presentation, web-site presentation, etc., based upon the user's interrogatory answers, the computer program comprising:

a computer-readable memory device (**Sendowski**, ¶ 0032: preferably personal computers) encoded with a database (**Sendowski**, ¶ 0039: queries the database) comprising a plurality of predefined questions (**Sendowski**, ¶ 0008: script questions)

and associated, predefined answers (**Sendowski, ¶ 0008**: collected from previous answers), wherein the plurality of questions and answers are organized in a predefined relationship (**Sendowski, ¶ 0016**: questions, answers ... store the relationships among them) between a pre-designated starting question (**Sendowski, ¶ 0023, TABLE 5**: Script.StartingQuestion) and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the database (**Sendowski, ¶ 0007**: script progress paths; **EN**: starting and ending questions are inherent in a progress path), and wherein further the selection of any one of the plurality of possible logical paths is user-answer-dependent (**Sendowski, ¶ 0044**: Depends on whether there are further questions ... the process continues);

a computer-readable memory device encoded with a user interface for displaying questions from the database and accepting answers from a user (**Sendowski, ¶ 0007**: user interface ... sent to the client software for display); and

a computer-readable memory device encoded with an engine (**Sendowski, ¶ 0008**: script engine) operative to present questions from the database to the user interface (**Sendowski, ¶ 0041**: to present a question), and to navigate one of the plurality of possible logical interrogatory paths (**Sendowski, ¶ 0011**: user's web browser; **EN**: a web browser requires logic and decision making – ¶ 0004) through the database as dictated by a user's answers to the questions presented at the user interface (**Sendowski, ¶ 0042**: script path for the remaining answers may be branched).

**Claim 2, 11:**

Sendowski teaches the computer program of claim 1, wherein the database further comprises:

content and rules for generating at least one report based upon a user's answers to questions presented at the user interface (**Sendowski, ¶ 0007: User interface and reported results**), the content and rules having a predefined relationship with the plurality of predefined questions and answers of the database so that the content of the at least one report is dependent upon a user's answers to questions from the database (**Sendowski, ¶ 0008: visual content elements, including questions, answers**), and wherein further the engine is operative to generate from the reporting database (**Sendowski, ¶ 0016: The database**) at least one report using the content and rules from the database (**Sendowski, ¶ 0020, TABLE 3: business rule server**).

**Claim 4, 13:**

Sendowski teaches the computer program of claim 1, wherein the computer-readable memory device encoded with the database, the computer-readable memory device encoded with the user interface, and the computer-readable memory device encoded with the engine all comprise the same computer-readable memory device (**Sendowski, Fig 1: Block 110 – User Web Client**).

**Claim 5, 14:**

Sendowski teaches the computer program of claim 1, wherein the computer-readable memory device encoded with the database, the computer-readable memory

device encoded with the user interface, and the computer-readable memory device encoded with the engine comprise separate computer-readable memory devices (**Sendowski**, Fig 2: "Multiple Answers"; Block 221—BSO save CSP to database; **EN**: multiple answers saved in different databases would mean separate memory devices).

**Claim 8, 17:**

Sendowski teaches the computer program of claim 1, wherein the database further comprises one or more **URL** addresses, wherein the engine is operative to display the URL addresses at the user interface, and wherein further the one or more URL addresses are associated with the predefined questions and answers of the database so that the display of URL addresses at the user interface is dependent upon a user's answers to questions from the database (**Sendowski**, ¶ 0009: Web clients ... Internet; **EN**: All the limitations of this claim are inherent in an internet based application).

**Claim 9, 18:**

Sendowski teaches the computer program of claim 8, wherein the engine is operative to display a plurality of the URL addresses at the user interface in a sequence the order of which is defined by a user's answers to questions (**Sendowski**, ¶ 0020, TABLE 3: AnswerOrder) from the database (**Sendowski**, ¶ 0027: Script questions ... Some answers ... persisted session path; ¶ 0016: The database 123).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6-7, 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski as applied to claim 1 and 2 above, and further in view of Parker (USPN 5909589, referred to as **Parker**).

**Claim 3, 12:**

Sendowski teaches the computer program of claim 2, wherein the database comprising a plurality of predefined questions and associated, predefined answers, includes questions and answers (refer to claims 1 and 2).

Sendowski does not teach evaluating a user's level of knowledge respecting a particular subject matter, and wherein further the content and rules for generating the at least one report based upon a user's answers to questions presented at the user interface include content and rules for generating a test score indicative of a user's level of knowledge respecting the particular subject matter.

However, Parker teaches evaluating a user's level of knowledge respecting a particular subject matter, and wherein further the content and rules for generating the at least one report based upon a user's answers to questions presented at the user interface include content and rules for generating a test score (**Parker**, C02L61-

C03L08: student testing process) indicative of a user's level of knowledge respecting the particular subject matter (**Parker**, C10L19-34: questions relating to the subject matter).

Sendowski and Parker are from the same field of endeavor, automated question answer system. It would have been obvious to one of ordinary skill in the art to have modified Sendowski's software for question-answer with Parker's testing and evaluation process indicative of a student's knowledge in the subject matter, for the benefit of completing a specified course work (**Parker**, C10L19-34).

**Claim 6, 15:**

Sendowski does not teach the computer program of claim 1, wherein the database further comprises one or more video files, wherein the engine is operative to display the video files at the user interface, and wherein further the one or more video files are associated with the predefined questions and answers of the database so that the display of video files at the user interface is dependent upon a user's answers to questions from the database.

Parker teaches the computer program of claim 1, wherein the database further comprises one or more video files (**Parker**, C10L19-34: video clips), wherein the engine is operative to display the video files at the user interface (**Parker**, C10L19-34: watch the animation), and wherein further the one or more video files are associated with the predefined questions and answers of the database so that the display of video files at



the user interface is dependent upon a user's answers to questions from the database (Parker, C10L19-34: relating to the subject matter of the CD-ROM).

Sendowski and Parker are from the same field of endeavor, automated question answer system. It would have been obvious to one of ordinary skill in the art to have modified Sendowski's software for question-answer with Parker's video files relating to the subject matter, for the benefit of being able to read and analyze files in the video format.

**Claim 7, 16:**

Sendowski does not teach the computer program of claim 6, wherein the engine is operative to display a plurality of the video files at the user interface in a continuous sequence the order of which is defined by a user's answers to questions from the database.

Parker teaches teach the computer program of claim 6, wherein the engine is operative to display a plurality of the video files at the user interface in a continuous sequence the order of which is defined by a user's answers to questions from the database (Parker, C02L61-C03L08: support video and multimedia graphics ... interactive video games).

It would have been obvious to one of ordinary skill in the art to have modified Sendowski's software for question-answer with Parker's display of video files in a continuous sequence, for the benefit of having an interactive game kind of question and answer session.

### **Examinations Considerations**

6. Examiner's Notes (**EN**) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

7. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Francis, USPN 2003/0101153, cited for knowledge databases containing question and answers.
9. Claims 1-19 are rejected.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharadwaj Kalpana whose telephone number is (571) 270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Application/Control Number:  
10/810,929  
Art Unit: 2129

Page 11

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KB

Dec. 08, 2007

  
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